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Paper No. 9

In re Application of
    Robert A. Luciano *et al*
Application No. 09/419,748
Filed: October 16, 1999
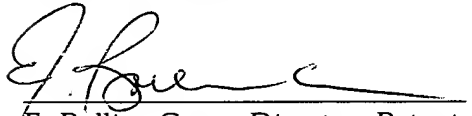Attorney Docket No. 732.341

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: DECISION ON PETITION
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This is a decision on the petition to revive filed on April 25, 2001. The petition has been referred to the undersigned for consideration as a petition under 37 CFR 1.181 to withdraw the holding that this application stands abandoned for failure to file a reply to the Office letter dated July 18, 2000. No fee is required for the petition, and a refund of the $55.00 fee tendered with the petition will be made in due course.

The petition is <u>granted</u>.

Petitioners allege that the application is not abandoned because a reply to the Office letter in question was in fact filed on October 30, 2000, and that the reply was timely filed by reason of a concurrently filed petition for a one month extension of time and the fee therefor. In support of this allegation, petitioners have submitted copies of the papers, and a copy of a postcard receipt for the papers showing that the papers were received in the Office on October 30, 2000. Office financial records also show that the fee for the one month extension was received and applied. Based upon this showing, it is clear that this application was not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Patent Examining Group 3720 to refund the $55.00 petition fee by crediting deposit account No. 50-0913. Thereafter, the application will be forwarded to the examiner for action on the reply filed on October 30, 2000.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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